



Federal Communications Commission
Washington, D.C. 20554

Imaging Center
CY-C203

May 1, 2006

OKAN Community Radio
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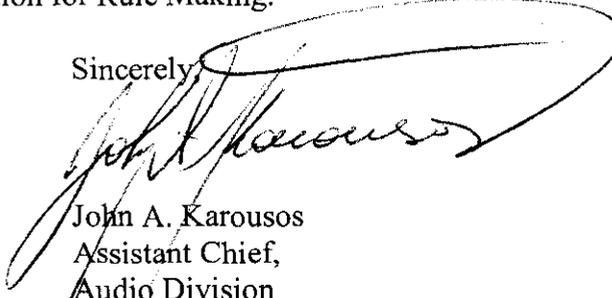
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Dear Counsel:

This refers to a Petition for Rule Making filed on May 9, 2005, by OKAN Community Radio ("OKAN"), proposing to allot Channel 259C3 at Sedan, Kansas and Channel 259C3 at Tuttle, Oklahoma. To accommodate the proposed allotments, OKAN also requests an Order to Show Cause be issued to Station KNID to substitute Channel 260C1 for Channel 259C1 at Alva, Oklahoma.

OKAN's proposed channel substitution at Alva conflicts with a construction permit application (BMPH-20050126AKR) filed by Classic Communications, Inc. ("Classic") on January 26, 2005, to move its Station KWFX(FM) to Channel 261C1 at Woodward, Oklahoma. Because Classic's construction permit application for KWFX was filed first, it is entitled to cut-off protection against OKAN's subsequently filed Petition for Rule Making.¹ Thus, OKAN's Petition for Rule Making was defective at the time of filing. Accordingly, we dismiss OKAN's Petition for Rule Making.

Sincerely,



John A. Karousos
Assistant Chief,
Audio Division
Media Bureau

Enclosure

¹ *Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, Report and Order*, 7 FCC Rcd 4917 (1992), *pet. for recon. granted in part, Memorandum Opinion and Order*, 8 FCC Rcd 4743 (1993); 47 C.F.R. § 73.208(a) (3) (iii).